

CITY OF SAN JOSÉ, CALIFORNIA
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street
San José, CA 95113-1905

SUMMER 2005 GENERAL PLAN HEARING
GENERAL PLAN AMENDMENT
AND
PLANNED DEVELOPMENT
REZONING
STAFF REPORT

Hearing Date/Agenda Number
P.C. 09-28-05 Item: 7.c.1&2

File Number
GP05-09-01 and PDC05-036

Application Type
General Plan Amendment and Planned Development
Rezoning

Council District
9

Planning Area
Cambrian-Pioneer

Assessor's Parcel Number(s)
421-07-021

PROJECT DESCRIPTION

Completed by: Ying Smith

Location: Northeast corner of Samaritan Drive and Clydelle Avenue (2039 Samaritan Drive), generally bounded by Samaritan Drive to the south, Clydelle Avenue to the east and State Route 85 to the north

Gross Acreage: 13.4

Net Acreage: 11.7

Net Density: 17.3 DU/AC

Existing Zoning: A(PD) Planned Development for
industrial park use

Existing Use: Industrial park with three office buildings with
approximately 230,000 square feet of office space

Proposed Zoning: A(PD) Planned Development to
allow up to 202 single-family detached and
attached residences and a minimum one-acre
park

Proposed Use: 86 Single-family detached residential units and 116 garden
townhouses/stacked flats (total of 202 units)

GENERAL PLAN

Completed by: YS

Existing Land Use/Transportation Diagram Designation: Industrial Park

Proposed Land Use/Transportation Diagram Designation: Medium High Density
Residential (12-25 DU/AC) on approximately 12.4 acres and Public
Park and Open Space on a minimum of one acre

Project Conformance:

☐ Yes ☒ No
☒ See General Plan Conformance and Recommendations

SURROUNDING LAND USES, GENERAL PLAN, AND ZONING

Completed by: YS

North: State Route 85 and single family detached residential and industrial park (Xilinx) across SR 85; Medium Density
Residential (8-16 DU/AC) and Industrial Park; A(PD) Planned Development

East: State Route 85 freeway off-ramp and Union Avenue

South: Single family detached residential; Medium Low Density Residential (8 DU/AC); Unincorporated

West: Multi-family residential (condominium); High Density Residential (25 – 50 DU/AC); R-M

ENVIRONMENTAL STATUS

Completed by: YS

☐ Environmental Impact
☐ Negative Declaration circulated on
☒ Negative Declaration adopted on September 14, 2005

☐ Exempt
☐ Environmental Review Incomplete

FILE HISTORY

Completed by: YS

Annexation Title: Parker No. 17

Date: 07/06/1983

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

☐ Approval
☒ Approval with Conditions
☐ Denial

Date: _____

Approved by: _____
☐ Action
☒ Recommendation

APPLICANT/DEVELOPER	OWNER
SummerHill Homes Attn: Bob Hencken 777 California Avenue Palo Alto, CA 94304	Berg & Berg Developers LP 10050 Bandle Drive Cupertino, CA 95014-2102

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: YS

Other Departments and Agencies

- Parks, Recreation and Neighborhood Services Department (PRNS) – PRNS requested a minimum 1.0-acre park be dedicated, preferably at either the northeast corner of Samaritan Drive and Clydelle Avenue or between the extensions of Cooper Avenue and Dickens Avenue. There is no other appropriate location for a public park within the project vicinity.
- Parks Commission – The Commission supports PRNS staff's recommendation to request dedicated parkland and park improvements from the project. There are no public neighborhood parks with ¾ mile serving this project site. See attached memo.
- Fire Department – See attached memo.
- Police Department – See attached memo.
- Department of Transportation (DOT) – The estimated number of new PM peak hour trips resulting from the proposed land use change is below the exemption threshold established for this area. Therefore, this General Plan amendment is exempt from a computer model (TRANPLAN) traffic impact analysis. See attached memo.
- Department of Public Works (DPW) – DPW provided comments on traffic analysis and concluded that the subject project will be in conformance with both the City of San Jose Transportation Level of Service Policy (Council Policy 5-3) and the Santa Clara County Congestion Management Program. DPW staff recommended that the project be conditioned to implement or contribute towards various traffic calming measures along the above mentioned neighborhood streets. The project should also be required to continually coordinate with City of San Jose Public Works and Department of Transportation and County of Santa Clara in order to implement these measures. See attached memos.

The Stormwater Runoff Pollution Control Measures were submitted on September 14, 2005 and they are being reviewed by DPW. Comments on the control measures will be provided under a separate memo prior to the Planning Commission hearing.

- Environmental Services Department (ESD) – Upon review of technical reports, ESD staff concluded that the history and soil sampling of the property are uneventful and there is no evidence of contamination. No further testing would be required. See attached memo.
- Office of Economic Development (OED) – OED staff does not support the conversion of the project site to residential use due to the concern of industrial land loss.
- County of Santa Clara – The County requested that traffic impact analysis at nearby County intersections be provided. See attached memo. County staff has reviewed the traffic study and has no comments.
- Santa Clara Valley Water District – The District recommends that non-point source water quality

treatment measures be incorporated into the proposed development. The District has no objections to the proposed project. See attached memo.

- Caltrans District 4 – See attached memo.
- Santa Clara Valley Transportation Authority - See attached memos.

GENERAL CORRESPONDENCE

See the Public Outreach section of this staff report for information on correspondence with the public.

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

This staff report addresses two pending applications with the City of San Jose: a General Plan Amendment and a Planned Development Rezoning.

The site is located on the northerly side of Samaritan Drive between Clydelle Avenue and the State Route 85 southbound off-ramp, westerly of Union Avenue (2033 to 2243 Samaritan Drive). It is currently zoned A(PD) Planned Development zoning district. The subject site currently has a General Plan Land Use/Transportation Diagram designation of Industrial Park.

The proposed General Plan amendment (file No. GP05-09-01) is to change the land use designation on the 13.4-acre site from Industrial Park to Medium High Density Residential (12-25 DU/AC) on approximately 12.4 acres and Public Park and Open Space on a minimum of one acre. The proposed Planned Development Rezoning is to rezone the site from A(PD) Planned Development to A(PD) Planned Development Zoning Districts to allow up to 226 single-family detached and townhouse residential units.

Site and Surrounding Uses

Land uses surrounding the project site include: single family detached residential and industrial park across State Route 85 to the north; transportation (State Route 85) to the north and east; single family detached residential to the south; and multi-family homes (condominium) to the west. A portion of the residential area south of the site is in an unincorporated County pocket. Good Samaritan Hospital is located less than 0.5 mile to the west of the site on Samaritan Drive.



Figure 1. Aerial View of Amendment Site

Project Description

General Plan Amendment (File No. GP05-09-01)

The General Plan amendment proposal is a privately initiated request to change the Land Use/Transportation Diagram designation on the 13.4-acre site from Industrial Park to Medium High Density Residential (12-25 DU/AC) on approximately 12.4 acres and Public Park and Open Space on a minimum of one acre.

Planned Development Rezoning (File No. PDC05-036)

The proposed Planned Development rezoning, with subsequent approval of a Planned Development permit, would allow the demolition of three largely vacant industrial office buildings and the construction of 86 single-family detached homes, 116 garden townhouse/stacked flat residential units, and an approximate 1.3-acre public park.

The single family detached units range in size from 1,692 to 2,050 square feet with three to four bedrooms and two and a half baths. All of the units are two stories over a basement/garage, with the living/bedroom space on the first and second stories. Buildings range in height from 30 to 34.5 feet. Each unit has a patio fronting either a pedestrian paseo or public streets. The patio area serves as the unit's private open space. The cottages have rear-entry garages accessed by a private drive and front entries accessed by pedestrian paseos.

The proposed townhouse/flat units are separated into fourteen buildings with seven to nine units in each building and overall building heights of 35 feet. The townhouse/stacked flat units have a range in size of 1,188 to 1,629 square feet. The stacked flats units, which occur on the end of each building, have two bedrooms, two bathrooms, and an exterior deck as private open space. Ten percent of the flats have ground level Americans with Disabilities Act (ADA) accessible living space. Townhouse units are two stories over garage parking on the ground level, with living space on the first story and bedrooms on the second story. The townhouse units have three bedrooms, two and a half baths, and an exterior patio for private open space that fronts a pedestrian paseo. All townhouse/stacked flat units would have rear-entry garages accessed by a private drive. Townhouse entries front on to pedestrian paseos.

ENVIRONMENTAL REVIEW

An Initial Study was prepared for the proposed General Plan amendment and the subsequent Planned Development Rezoning and a Mitigated Negative Declaration (MND) was circulated for public review from August 25 to September 13, 2005. The MND was adopted by the Director of Planning, Building and Code Enforcement on September 14, 2005. The MND identified mitigation measures that would reduce any potentially significant project impacts to a less-than-significant level. Mitigation measures are required in the following categories: Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use, Noise, Public Services, and Recreation.

One written comment on the Transportation Impact Analysis was received on September 13, 2005. The comment and staff response will be provided in a separate memo before the Planning Commission hearing on September 28, 2005.

GENERAL PLAN CONFORMANCE

The analysis of General Plan Conformance is based on the following: 1) consistency with the San Jose 2020 General Plan Major Strategies, Goals, and Policies; and 2) consistency with the *Framework, as a Guideline, to Evaluate Proposed Conversions of Employment Lands to Other Uses* (the Framework).

Consistency with the San Jose 2020 General Plan Major Strategies, Goals, and Policies

The *San José 2020 General Plan* has seven Major Strategies that together provide the “vision” for San José, particularly related to its future growth and development. The proposed General Plan amendment is consistent with the following General Plan goals and policies:

- The **Growth Management Major Strategy**, which seeks to promote new growth within the Greenline/Urban Growth Boundary and encourages infill development within urbanized areas where urban facilities and services are already available. The amendment site is located within an area where urban facilities and services are already available; infill development on this site supports the intent of the Growth Management Major Strategy.
- The **Housing Major Strategy**, which seeks to maximize housing opportunities on infill parcels already served by the City and to consider the addition of new residential lands only when the City is confident that urban services can be provided. San Jose recognizes the continuing strong demand for housing here and throughout the region. The General Plan’s Housing Major Strategy encourages facilitating housing opportunities of all types and price ranges for its residents. This Major Strategy

can be achieved by planning for residential land uses at appropriate locations and densities. The proposed amendment is supportive of the Housing Major Strategy that seeks to maximize the housing opportunities on infill parcels already served by municipal services.

The General Plan's Industrial Land Use Goal stresses the importance of maintaining a sufficient amount of land for a variety of industrial uses. The proposed General Plan amendment would allow a range of 161 to 335 residential units and result in a potential loss of up to approximately 240 jobs, according to the General Plan land use calculation methodology. The proposed General Plan amendment to convert the Industrial Park designation to a residential designation would be inconsistent with the following General Plan policies:

Economic Development Policy No.1 states that the City should reduce the present imbalance between housing and employment by seeking to obtain and maintain an improved balance between jobs and workers residing in San José.

Economic Development Policy No. 2 states that to enhance its economic development goals and increase employment opportunities for San José citizens, the City should protect the industrial lands designated exclusively for industrial uses.

Industrial Land Use Policy No. 3 states that the City should monitor the absorption and availability of industrial land to ensure a balanced supply of available land for all sectors.

Framework, as a Guideline, to Evaluate Proposed Conversions of Employment Lands to Other Uses

The intent of the *Framework, as a Guideline, to Evaluate Proposed Conversions of Employment Lands to Other Uses* (Framework) is to create more certainty and predictability in the review of employment land conversion proposals while retaining flexibility to respond to changing conditions, information, and policy considerations. Although the amendment site is not in a Framework subarea, the criteria for conversion still apply. Therefore, staff has evaluated the proposal according to the criteria identified in the Framework and concluded that the proposed amendment would meet some, but not all, of the criteria for conversion. Analysis of the relevant criteria is discussed below.

The subject site is surrounded by residential uses and a major highway (State Route 85). The closest industrial and office uses are located on the northeasterly side of State Route 85. Since there is no industrial use adjacent to the subject site, the proposed residential use would not likely act as an inducement of additional conversion.

The increase in population resulting from the proposed General Plan amendment will cause an incremental increase in demand on public utilities and services, and a corresponding fiscal impact on City revenue and service costs.

The project will provide land for an approximately 1.3-acre public park and contribute funds towards its construction, in accordance with the City's Parkland Dedication Ordinance (PDO) and the Park Impact Ordinance (PIO).

The City's General Plan states a service level goal of 3.5 acres of neighborhood and community-serving parkland per 1,000 residents. The project site is located in Council District 9. There are 15 public parks in District 9, comprising a total of approximately 82 acres; all of them are neighborhood parks. Currently, Council District 9 has 0.96 acre of parkland per 1,000 residents. In addition, there are approximately 172 acres of school grounds that are considered as neighborhood park-serving acres. Overall, there are

approximately 2.9 acres of City-owned park and school recreation area per 1,000 residents in District 9, and the district is considered deficient in park space. An additional 51.4 acres in Council District 9 would be required to meet the goal of 3.5 acres of parkland per 1,000 residents.

The closest public park is approximately 1.2 miles along public streets from the project site. Houge Park, located at Jacksol Drive and Barrett Avenue, north of State Route 85 and west of Union Avenue, is a 12.5-acre neighborhood park that contains playgrounds, basketball courts, an exercise course, picnic tables, barbecue pits, restrooms and an open turf area. In addition, playgrounds and playing fields are available at Carlton Elementary and Union Middle schools that are approximately 0.4 and 0.6 mile, respectively, from the project site. The project area is deficient in park space and none of the existing parks is within walking distance (less than 0.75 mile).

It should be noted that the project will not contribute toward public facilities beyond what would be required to serve the proposed development associated with the conversion. However, it would offer a unique opportunity for the City to obtain land for a public park. The subject site is located in an area with no remaining vacant land, comprised of mostly residential, office, and public/quasi-public uses. Converting these established uses to parkland is highly unlikely. If the project does not dedicate parkland, future residents from this project and the nearby current residents will not have a neighborhood-serving park within walking distance (less than 0.75 mile). Securing part of the subject site for a public park can be seen as a unique opportunity for the foreseeable future.

Land Use Compatibility

Land use conflicts can arise from two basic causes: 1) a new development or land use may cause impacts to persons or the physical environment in the vicinity of the project site or elsewhere; or 2) conditions on or near the project site may have impacts on the persons or development introduced onto the site by the new project. Both of these circumstances are aspects of land use compatibility. Potential incompatibility may arise from placing a particular development or land use at an inappropriate location, or from some aspect of the project's design or scope. Depending on the nature of the impacts and their severity, land use compatibility conflicts can range from minor irritation and nuisance to potentially significant effects on human health and safety.

The discussion below distinguishes between potential impacts from the proposed project upon persons and the physical environment, and potential impacts from the project's surroundings upon the project itself.

Impacts From the Proposed Land Use

The project site currently contains industrial park uses. It is an industrial park area on the westerly edge of the City that is separated from the only other industrial park site in the area by State Route 85. Typical uses within the industrial park land use designation, which excludes uses with unmitigated hazardous or nuisance effects, are research and development, manufacturing, assembly, testing, and offices. Existing land uses to the east, west and south are residential.

The project would change the land use on the site from industrial park to single family attached and detached and garden townhouse residential use and public park use in accordance with the proposed General Plan land use designations. The proposed residential density (12-25 DU/AC) is between the densities of the existing Medium Low Density Residential (8 DU/AC) to the south and east and the existing High Density Residential (25-50 DU/AC) to the west. Existing large trees, landscaping and a meandering sidewalk, as

well as building setbacks of 30 feet or greater on Samaritan Drive would be preserved and would provide a buffer between the project and surrounding uses. Residential use is compatible with the surrounding area.

Impacts To the Proposed Land Use

The existing uses in the project area are residential and would not cause impacts to the proposed Medium High Density Residential use and public park.

The proposed residential development would not conflict with the single family residential neighborhood south of the project site or with the condominium west of the site.

PLANNED DEVELOPMENT REZONING ANALYSIS

The primary issue associated with this proposal is conformance with the Residential Design Guidelines (the Guidelines). Each of the two product types was evaluated for conformance to the relevant sections of the Guidelines.

The single-family detached units proposed in the Planned Development Zoning are different from traditional single-family houses. Instead, they are more similar to garden townhouses, and are sometimes called “detached garden townhouse” units. The primary distinction between the single-family detached units proposed and traditional single-family detached houses is that the garages for the traditional single-family houses front onto the public streets while the garage doors of the proposed units would be located on the back of the unit and accessed via an alley. The front of the units orient out onto semi-private front yards with no private backyards provided.

The so-called “detached garden townhouse” product type offers certain advantages, in that this type of layout allows for less of the gross site area to be taken up by new streets. By providing units that generally front towards a street with access to the garage in the back of the unit, the streetscape is more attractive than traditional single-family tracts as a result of the absence of garages, driveways, and vehicles parked in the front setback area.

The Guidelines do not specifically address this product type. However, the Guidelines do address an “attached” garden townhouse unit product type and include many relevant design policies applicable to the detached product type. Both the detached and attached product types being proposed were analyzed using the development standards recommended in the Guidelines for garden townhouses.

Site Design

Perimeter Setbacks and Building Separations

The Guidelines provide recommended setbacks from adjacent uses and public streets so that new development is compatible with adjacent uses and relates appropriately to the surrounding streets. As shown on the table below, a majority of the setbacks are in conformance with the recommended setbacks of the Guidelines.

	Detached Units (2.5-story)		Attached Units (2-story)	
	RDG	Project	RDG	Project
Samaritan Drive (collector street)	35	35	20	20
Clydelle Avenue (minor residential street)	35	18	N/A	N/A
State Route 85 (freeway)	25	20	25	20

Notes:

1. RDG: Residential Design Guidelines
2. The detached units have 2 stories over garage. The recommended setbacks for 3-story buildings are used.
3. The attached units also have 2 stories over garage. However, the side fronting Samaritan Drive is 2 stories in height.

Parking

The Guidelines recommend that a product type with two-car standard garages and three-bedroom units have 2.6 parking spaces per unit. For a product type with two-car tandem garages and two-bedroom units, 2.8 parking spaces per unit are recommended. The proposed project provides each unit with a two-car garage and an additional 137 open parking spaces on site, including 31 spaces on the proposed public street. The project is proposing a total of 545 parking spaces, which will exceed the 528 parking spaces (2.6 spaces per unit) recommended in the Guidelines.

Private Open Space

One of the key design issues associated with the “detached garden townhouse” product type is the manner in which the semi-private open space relates to the street and the unit itself. In staff’s opinion, it is generally most desirable to strike an appropriate balance between grade difference between the open space area and the adjacent street to provide a better level of privacy. However, the open space area should not be too elevated resulting in large unattractive retaining walls. Based on other recent approvals, it is generally ideal when the open space area is elevated about 3-4 feet above the adjacent landscaped area or street. Additionally, there should be a good functional relationship between the inside living area of the unit and the open space to maximize the usability. The details to ensure an appropriate relationship and design between these areas will be further addressed when a Planned Development permit is proposed.

The detached garden townhouse units lack traditional backyards. The small front patios in the front setback are the units’ only form of “private” open space. These areas are to be enclosed by low fences or walls, approximately 3-4 feet tall. The project is proposing a minimum of 200 square feet of semi-private open space for each single-family attached unit and a minimum of 60 square feet of semi-private open space for each townhouse/stacked flat unit.

Architectural Design

This project consists of two-story units over basement/garages with a height of approximately 38 feet. The garages are partially below grade, leaving the living space to be located at the ground level on the pedestrian paseo. Each of the corner units includes pop-outs on the living and bedroom levels to achieve an enhanced façade that provides architectural interest. In addition, entrances to the units will have varying façade treatments. The patio spaces provided at the front of each unit will be partially enclosed with a low wall topped with metal or wood railings.

As is typical for a Planned Development Rezoning, the architecture that is shown is considered “conceptual” and will undergo further review by staff when a Planned Development permit is proposed. Building

materials, roofing, colors, and other details will also be selected for their compatibility with the neighborhood development pattern.

Interface

The site plan has been designed to preserve the existing interface with streets (Samaritan Drive and Clydelle Avenue) by maintaining the mature trees, landscaping and a meandering sidewalk. The public park is surrounded by a new public street and the front of the residential units, except for four units on the west side of the park. These four units will have the garages facing the park. This interface is generally not preferred. However, the compromise was made in order to maximize the park space and obtain the best configuration for the park. The project will be required to provide proper screening between these units and the public park when a Planned Development permit is proposed.

CONCLUSION

The subject General Plan amendment would result in the loss of employment land and create an incremental increase in the jobs/housing imbalance within the City. However, it would offer a unique opportunity to establish a public park in a parkland deficient area. Approval of the proposed General Plan amendment would provide a balanced outcome of providing public benefits and furthering the City's housing goals. Staff also concludes that the project substantially conforms to the *Residential Design Guidelines* with respect to perimeter setbacks, building separations, parking and open space, and compatibility with the surrounding residential neighborhood.

PUBLIC OUTREACH

Two community meetings were held on July 13 and August 29, 2005 at a location near the subject site. The meetings were organized with assistance from the Cambrian Community Council, Council District 9 office, and the project applicant. Meeting notices were sent to residents and property owners within a 1,000-foot radius of the project site and members of the public who expressed interest in receiving notices. There were approximately 150 people present at each meeting. In addition, staff has received numerous phone calls and emails to inquire about and comment on both the General Plan amendment and PD zoning applications.

Community members identified several issues of concern, including traffic, parking, density, and open space. Many people voiced their opposition to the project because they believe the density is too high and there will be negative impacts from the project traffic and insufficient parking. Written comments are attached to this staff report. The major issues raised by the community members and staff responses are summarized below:

1. Residential Density

Staff Response: The project is considered an infill housing development. The subject site is located within an area where urban facilities and services are already available. Infill development on this site at the proposed density (12 – 25 DU/AC) supports the intent of the Growth Management Major Strategy. The proposed density is approximately 16.7 DU/AC and it is similar to that of the condominium development to the west of the project site. The proposed density is higher than that of the residential use south of the project site. However, the subject site borders a major transportation corridor (State Route 85) and a collector street (Samaritan Drive). Thus the proposed density is appropriate.

2. Project Traffic Impacts on Samaritan Drive and Local Streets

Staff Response: As part of the environmental review process, a Transportation Impact Analysis (TIA)

was prepared by a qualified traffic consultant. The TIA included traffic impact analysis in accordance with the standards set forth by the City of San Jose Level of Service Policy and the Santa Clara Valley Transportation Authority Congestion Management Program. Compared to the existing office park use if it is fully occupied, the proposed residential development would actually result in a net reduction in morning and afternoon peak hour trips. The study concluded that the project would not have significant impacts on the study intersections, freeway segments, transit, bicycle, or pedestrian facilities.

The TIA also included an analysis of neighborhood traffic impact and concluded that the project is not expected to generate any significant traffic through these neighborhood streets, as there are no routine destinations that could be accessed by cutting through the neighborhood. The only appreciable amount of traffic that would be added to the neighborhood streets by this project would be the school trips for Carlton Elementary School, which is estimated to be about 100 daily trips. The Public Works Department recommended that the project be conditioned to implement or contribute towards various traffic calming measures along the above mentioned neighborhood streets and improvements for pedestrian crossing on Samaritan Drive. The project should also be required to continually coordinate with City of San Jose Public Works and Department of Transportation and County of Santa Clara in order to implement these measures.

3. Insufficient Parking

Staff Response: As analyzed in the section titled Planned Development Rezoning Analysis, the project will provide parking to meet or exceed the recommended parking ratio identified in the *Residential Design Guidelines*.

4. Closing off local streets connection to Samaritan Drive and providing more access points to the project site to spread out traffic.

Staff Response: Traffic from residents to school and local shopping areas is considered local traffic. The TIA concluded that the project is not expected to generate any significant traffic through these neighborhood streets. Thus there is no justification to close off these streets. The project's circulation and number of access points appear to be sufficient and appropriate.

5. Inadequate Parkland Dedication

Staff Response: The proposed park meets the requirements of the Parkland Dedication Ordinance (PDO) and Park Impact Ordinance (PIO). The City can not condition a project to exceed the PDO and PIO requirements.

6. School Capacity, Police Patrol, And Sewer

Staff Response: These public services were analyzed in the Initial Study as part of the environmental review process. The Initial Study concluded that the project would have less-than-significant impacts on these services.

7. Construction Impacts

Staff Response: The project will be subject to the City's standard conditions to mitigate construction impacts in terms of hours, noise and air quality.

8. Locating Park at the northeast corner of Samaritan Drive and Clydelle Avenue

Staff Response: PRNS staff recommended the park be located at either the northeast corner of Samaritan Drive and Clydelle Avenue or between the extensions of Cooper Avenue and Dickens Avenue. Staff does not believe one location is necessarily better than the other. Staff does not have an objection to the park location being proposed.

9. Partial Support for Project

Some residents of the condo complex to the west of the site (Good Samaritan), including the president of the Homeowner Association, expressed their support for the project and the proposed park.

Staff Response: Comments noted.

10. Loss of Office Buildings

One person expressed concerns about losing the office buildings because he likes the architecture style.

Staff Response: Comments noted.

Notices of the public hearings were distributed to the owners and tenants of all properties located within 1,000 feet of the subject site. The community can be kept informed about the status of General Plan amendments on the Department's web site, which contains information on the General Plan process, each proposed amendment, staff reports, and hearing schedule. In addition, the Planning Commission Agenda is posted on the City of San José website, which includes a copy of the staff report. Staff has also been available to discuss the project with interested members of the public.

RECOMMENDATION

Planning staff recommends the Planning Commission forward a recommendation to the City Council to:

1. Approve the proposed General Plan amendment for the following reasons:

- a. The proposed General Plan amendment is consistent with *San José 2020 General Plan* major strategies, goals and policies.
- b. The proposed General Plan amendment furthers goals and objectives of the City's infill housing strategies.
- c. The General Plan amendment would not likely induce additional conversion in the project vicinity.
- d. The proposed project would not cause land use conflict and the density would be appropriate for an infill site bordering a major transportation corridor (State Route 85).
- e. The proposed project includes the addition of 1.3 acres of Public Park and Open Space land.

2. Approve the proposed Planned Development Rezoning for the following reasons:

- a. The proposed project substantially conforms to the Residential Design Guidelines.
- b. The proposed rezoning is compatible with existing uses on the adjacent and neighboring properties.

Attachments

PDC05-036 Samaritan Drive DRAFT GENERAL DEVELOPMENT PLAN NOTES

The following notes are to be incorporated on the final General Development Plan upon City Council Approval.

PERMITTED USES:

Unit Range: up to 86 single-family detached town home residential units and 116 single-family attached cluster units (202 total).

DEVELOPMENT STANDARDS:

Maximum building height: 38 feet

Maximum number of stories: Two stories over garage

Single-family detached town homes

Minimum lot size: 1,650 square feet

Minimum Setbacks:

Perimeter Setbacks:

Building to Samaritan Drive: 35 feet

Building to Clydelle Avenue: 18 feet

Highway 85: 20 feet

Patio to Samaritan Drive: 10 feet

Patio to Clydelle Avenue: 5 feet

Building to Building Setbacks:

Front to Front: 28 feet

Side to Side Interior: 6 feet

Rear to Rear: 20 feet

Minimum Private Open Space: 200 square feet

Garden Townhouse/Stacked Flat Units:

Minimum Setbacks:

Perimeter Setbacks:

Building to Samaritan Drive: 22 feet (excluding covered entrance and architectural projections)

Building to Samaritan Drive side-on unit(s):
18 feet (excluding covered entrance and architectural projections)

Highway 85: 20 feet

Building to Building Setbacks:

Front to Front: 15 feet (excluding covered entry and architectural projections)

Side to Side : 15 feet (excluding covered entry and architectural projections)

Rear to rear: 20 feet

Minimum Private Open Space: 60 square feet

Minor Architectural projections, such as chimneys and bay windows or other architectural elements, may project into the building as approved by the Director of Planning.

PUBLIC WORKS CONDITIONS:

1. Transportation

Public Works Department recommended that the project be conditioned to implement or contribute towards various traffic calming measures along the above mentioned neighborhood streets and improvements for pedestrian crossing Samaritan Drive. The project should also be required to continually coordinate with City of San Jose Public Works and Department of Transportation and County of Santa Clara in order to implement these measures.

ENVIRONMENTAL MITIGATION REQUIREMENTS: The developer shall comply with the following to the satisfaction of the Director of Planning:

AESTHETICS

1. Trees shall be preserved or replaced at the ratios specified under the “Biological Resources” section of these development standards.
2. The mounding and meandering sidewalk along Samaritan Drive and Clydelle Avenue shall remain.
3. Downward-directed low-pressure sodium vapor street lights along the public streets shall be provided in order to prevent offsite light and glare.
4. Public streets that are impacted by project construction activities shall be swept and washed down daily.
5. Debris, rubbish and trash shall be cleared from any areas onsite that are visible from a public street.

AIR QUALITY

The following construction practices shall be implemented during all phases of construction for the proposed project:

- 1) water all active construction areas at least twice daily or as often as needed to control dust emissions;
- 2) cover all trucks hauling soil, sand, and other loose materials and/or ensure that all trucks hauling such materials maintain at least two feet of freeboard;
- 3) apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas during construction of the site;
- 4) sweep daily or as often as needed with water sweepers all paved access roads, parking areas and staging areas at construction sites to control dust;
- 5) sweep public streets daily, or as often as needed, with water sweepers, to keep streets free of visible soil material;
- 6) hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more);
- 7) enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.) sufficient to prevent visible airborne dust;
- 8) limit traffic speeds on unpaved roads to 15 mph;
- 9) install sandbags or other erosion control measures to prevent silt runoff to public roadways; and
- 10) replant vegetation in disturbed areas as quickly as possible.

BIOLOGICAL RESOURCES

1. Approval shall be obtained with a Planned Development Permit for the removal of any tree with a diameter of 18 inches (56-inch circumference) or greater; and any such tree that is removed shall be replaced with a tree(s) as required by the San Jose Tree Ordinance.
2. Trees to remain shall be safeguarded before and during construction by a Tree Protection Plan developed by a consulting arborist, including measures such as the storage of oil, gasoline, chemicals, etc. away from trees; grading around trees or root pruning only as approved, and prevention of drying out of exposed soil where cuts are made; any additional tree pruning needed for clearance performed or supervised by an arborist; application of supplemental irrigation as determined by the consulting arborist; no dumping of liquid or solid wastes in the dripline or uphill from any tree; and construction of barricades around the dripline of the trees until all grading and construction is completed, as outlined in the City's Tree Ordinance, that shall be approved by the Planning Director prior to the issuance of a grading permit.
3. As shown on the Conceptual Site Plan, Figure 10, 20 Ordinance-sized (18-inch diameter or greater) trees shall be retained on the project site, including many of the trees along Samaritan Drive and Clydelle Avenue.
4. A minimum of 66 trees shall be retained on the project site.
5. All trees that are to be removed shall be replaced at the following ratios:
 - a. Each tree less than 12 inches in diameter to be removed shall be replaced with one 15-gallon tree.
 - b. Each tree 12 inches to 17 inches in diameter to be removed shall be replaced with two 24-inch box trees.
 - c. Trees 18 inches in diameter or greater shall not be removed unless a Tree Removal Permit has been approved for the removal of such trees; and each tree 18 inches in diameter or greater to be removed shall be replaced with four 24-inch box trees.
 - d. The species and exact number of trees to be planted on the site shall be determined in consultation with the City Arborist and the Department of Planning, Building and Code Enforcement.
6. As trees withdraw water from the soil, expansive soils may shrink within the root area; therefore, foundations, footings and pavements on expansive soils near trees shall be designed to withstand differential displacement.
7. In the event the developed portion of the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures shall be implemented at the permit stage:
 - a. An alternative site(s) shall be identified for additional tree planting. Alternative sites may include local parks or schools or installation of trees on adjacent properties for screening purposes to the satisfaction of the Director of Planning.
 - b. A donation of \$300.00 per mitigation tree shall be made to Our City Forest or San Jose Beautiful for in-lieu offsite tree planting in the community. These funds shall be used for tree planting and maintenance of planted trees for approximately three years. A donation receipt for offsite tree planting shall be provided to the Planning Project Manager prior to issuance of a development permit.
8. If possible, construction should be scheduled between October and December (inclusive) to avoid the raptor nesting season. If this is not possible, pre-construction surveys for nesting raptors shall be conducted by a qualified ornithologist to identify active raptor nests that may be disturbed during project implementation. Between January and April (inclusive) pre-construction surveys shall be conducted no more than 14 days prior to the initiation of construction activities or tree relocation or removal. Between May and August (inclusive), pre-construction surveys shall be conducted no more than thirty (30) days prior to the initiation of these activities. The surveying ornithologist shall inspect all trees in and immediately adjacent to the construction area for raptor nests. If an active

raptor nest is found in or close enough to the construction area to be disturbed by these activities, the ornithologist, shall, in consultation with the State of California, Department of Fish & Game (CDFG), designate a construction-free buffer zone (typically 250 feet) around the nest. The applicant shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning prior to the issuance of any grading or building permit.

9. Surveys for roosting bats shall be conducted by a qualified biologist no more than thirty (30) days prior to any building demolition or removal, construction activities, or oak tree relocation and/or removal. If a female or maternity colony of bats is found on the project site, and the project can be constructed without disturbance to the roosting colony, a qualified bat biologist shall designate buffer zones (both physical and temporal) as necessary to ensure the continued success of the colony; buffer zones may include a 200-foot buffer zone from the roost and/or timing of the construction activities outside the maternity roosting season (after July 31st and before March 1st).
10. If an active nursery roost is known to occur on the site and the project cannot be conducted outside of the maternity roosting season, bats shall be excluded after July 31st and before March 1st to prevent the formation of maternity colonies. Such exclusion shall occur, under the direction of a qualified bat biologist, by sealing openings and providing bats with one-way exclusion doors. Bat roosts shall be monitored as determined necessary by a qualified bat biologist, and the removal or displacement of bats shall be performed in conformance with CDFG requirements.
11. A biologist report outlining the results of pre-construction surveys and any recommended buffer zones or other mitigation shall be submitted to the satisfaction of the Director of Planning prior to the issuance of any grading, building, or tree removal permit.

CULTURAL RESOURCES

- 1) Pursuant to Section 7050.5 of the Health and Safety Code, and Section 5097.94 of the Public Resources Code of the State of California: In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified by the developer and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission, who will attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the landowner shall reinter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.
- 2) Should evidence of prehistoric cultural resources be discovered during construction, work in the immediate area of the find shall be stopped to allow adequate time for evaluation and mitigation, and a qualified professional archaeologist called in to make an evaluation; the material shall be evaluated; and if significant, a mitigation program including collection and analysis of the materials prior to the resumption of grading, preparation of a report and curation of the materials at a recognized storage facility shall be developed and implemented under the direction of the Director of Planning.
- 3) Any Native American human remains that are discovered and would be subject to disturbance shall be removed and analyzed, a report shall be prepared, and the remains shall be reburied in consultation and agreement with the Native American Most Likely Descendant designated by the Native American Heritage Commission.

GEOLOGY AND SOILS

- 1) A design-level geotechnical investigation that includes recommendations for site grading, drainage, foundations, retaining walls, slabs-on-grade, asphalt pavement design and/or utility trenches shall be conducted at the PD Permit stage.
- 2) Oversized materials (any cobble larger than 6 inches but less than 12 inches in size) shall be placed only in areas where structural improvements are not planned or anticipated, e.g., open space areas, as approved by the geotechnical engineer during site grading.
- 3) Cobbles greater than 6 inches shall not be used in engineered fill within 5 feet of finished grade.
- 4) Oversized rocks that are larger than 12 inches shall not be placed in engineered fill; and shall be either broken down or set aside for disposal, or incorporated into landscaping features.
- 5) Special foundations shall be utilized in any residences subjected to expansive soils movement.
- 6) Drainage shall be controlled and directed away from all structures and pavements.
- 7) A City approved Erosion Control Plan shall be developed and implemented with such measures as: a) the timing of grading activities during the dry months, if feasible; b) temporary and permanent planting of exposed soil; c) temporary check dams; d) temporary sediment basins and traps or e) temporary silt fences.

HAZARDS AND HAZARDOUS MATERIALS

1. The project site shall be viewed by a qualified environmental professional during demolition and pre-grading activities to observe areas of the property that may have been obscured by existing structures or pavement for such items as stained soils, septic systems, underground storage tanks, and/or unforeseen buried utilities; and, if found, a mitigation program shall be developed and implemented with such measures as soil testing, removal and/or offsite disposal at a permitted facility.
2. The interiors of all suites that have not been accessed shall be observed by a qualified environmental engineer prior to building demolition; and any remaining hazardous materials found within the buildings shall be removed and disposed of properly.

HYDROLOGY AND WATER QUALITY

1. A Notice of Intent and a Storm Water Pollution Prevention Plan that addresses both construction and post-construction periods and specifies erosion and sediment control measures, waste disposal controls, maintenance responsibilities and non-stormwater management controls, shall be submitted to the RWQCB and maintained onsite, respectively, to comply with the stormwater discharge requirements of the NPDES General Permit.
2. A Storm Water Pollution Prevention Plan (SWPPP) in compliance with the local NPDES permit shall be developed and implemented including: 1) site description; 2) erosion and sediment controls; 3) waste disposal; 4) implementation of approved local plans; 5) proposed post-construction controls, including description of local post-construction erosion and sediment control requirements; 6) Best Management Practices (BMPs) such as the use of infiltration of runoff onsite, first flush diversion, flow attenuation by use of open vegetated swales and natural depressions, stormwater retention or detention structures, oil/water separators, porous pavement, or a combination of these practices for both construction and post-construction period water quality impacts; and 7) non-storm water management.

3. The project shall incorporate the following site design, source control, and treatment measures to minimize the discharge of stormwater pollutants:
4. Bioswales shall be incorporated into the stormwater drainage design.
5. Pervious paving materials shall be used at entrance driveways, parking spaces and walkways.
6. Roof drains shall discharge and drain into landscaped areas located away from the building foundation to an unpaved area wherever possible.
7. Stormwater treatment measures shall be hydraulically sized in conformance with provisions of the City's Post-Construction Urban Runoff Management Policy and to adopted Santa Clara Valley Pollution Prevention Program standards.

NOISE

1. Mechanical ventilation shall be provided in accordance with Uniform Building Code requirements when windows are to be closed for noise control.
2. A minimum 13-foot-high noise attenuation barrier shall be constructed along the northerly site boundary contiguous with the SR 85 right-of-way as an extension of the existing soundwall, either connecting air-tight to the existing barrier and covering or filling in the two reduced sections at the existing terminus, or be constructed behind the existing barrier and terminate at the westerly site boundary.
3. An 8 to 13-foot-high noise attenuation barrier shall be constructed along the easterly site boundary as a continuation of the northerly site boundary barrier to control flanking noise; the easterly barrier shall be 13 feet high for 20 feet from the northerly barrier, and continue at 12 feet high for 20 feet, at 10 feet high for 30 feet, and at 8 feet high for 50 feet.
4. 42-inch-high solid railings shall be constructed at the second floor balconies of the single family detached homes and garden townhomes within a 120-foot line-of-sight to the property line contiguous with SR 85, and having a direct or side view of the roadway.
5. Prior to approval of a Planned Development Permit, architectural revisions and/or re-orientations of private open space shall be made so that no such open space exceeds 70 dB DNL. Additional noise reports may be required to project the noise level of any relocated open spaces to the satisfaction of the Director of Planning.
6. 42-inch-high solid railings shall be constructed at the side decks of the single family detached homes within a 220-foot line-of-sight to the centerline of Samaritan Drive, and having a direct or side view of the roadway.
7. 42-inch-high solid railings shall be constructed at all first and second floor balconies of the single family detached homes and garden townhomes within a 220-foot line-of-sight to the centerline of Samaritan Drive, and having a direct or side view of the roadway.
8. Windows and glass doors at all first floor living spaces shall be maintained closed within 220 feet of the northerly site boundary, and having a direct or side orientation of SR 85; and STC 34 or higher rated windows and glass doors shall be installed at these living spaces within 90 feet of the northerly site boundary and STC 29 or higher rated windows and glass doors shall be installed at these living spaces between 90 and 200 feet of the northerly site boundary.
9. Windows and glass doors at all second floor living spaces shall be maintained closed; and STC 45 or higher rated windows and glass doors shall be installed at living spaces within 220 feet of the northerly site boundary, and having a direct or side orientation of SR 85 and windows and glass doors at these living spaces without an orientation toward SR 85 shall contain STC 34 glazing.
10. STC 34 or higher rated windows and glass doors shall be installed at all second floor living spaces between 220 and 340 feet of the northerly site boundary, and having a direct or side orientation of

SR 85; and windows and glass doors at these living spaces without an orientation toward SR 85 shall contain STC 29 glazing.

11. All windows rated STC 34 or higher shall contain at least one pane of 1/4-inch laminated glass.
12. STC 29 or higher rated windows and glass doors shall be installed at all second floor living spaces beyond 340 feet of the northerly site boundary, and having a direct or side orientation of SR 85; and windows and glass doors at these living spaces without an orientation toward SR 85 may have any type of glass.
13. All windows and glass doors shall be maintained closed and STC 29 or higher rated windows and glass doors shall be installed within 220 feet of the centerline of Samaritan Drive, and having a direct or side view of the roadway.
14. At locations where the window or glass door control for SR 85 traffic and Samaritan Drive traffic overlap, the higher rated window or glass door system shall be installed.
15. Prior to the issuance of building permits, the developer shall retain a qualified acoustical consultant to certify that the building plans for all units will reduce exterior noise to an interior limit of 45 dB DNL, to the satisfaction of the Director of Planning, Building and Code Enforcement.
16. Construction activities shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific construction noise mitigation plan and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.
17. The contractor shall use “new technology” power construction equipment with state-of-the-art noise shielding and muffling devices. All internal combustion engines used on the project site shall be equipped with adequate mufflers and shall be in good mechanical condition to minimize noise created by faulty or poorly maintained engines or other components.

PUBLIC SERVICES AND RECREATION

A minimum 1.0-acre public park shall be provided on the project site, in conformance with the City’s Parkland Dedication Ordinance and Park Impact Ordinance.

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